



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 411 OF 2025
IN FA/2362/2024**

**JAYSHRI BHIMA GIRI AND ORS
VERSUS
RAJU SHIVAJI PATIL AND ANR**

...
Mr. Bipinchandra Keshavrao Patil, Advocate for Applicants.
Mr. Manoj D. Shinde, Advocate for Respondent No.2.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th JANUARY, 2025.**

P.C.:-

1. Heard learned Advocate appearing for the respective parties.
2. By this application, applicants seek withdrawal of the amount deposited by respondent/insurance company in pursuance to the award dated 04.03.2023 passed by the Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No.207/2020.
3. The respondent/MSRTC is in Appeal on the ground of quantum and negligence. The claimants had instituted claim seeking compensation under Section 166 of the Motor Vehicle Act in respect of accidental death of Bhima Giri. While riding his motorcycle, he was dashed by MSRTC bus. The offence was registered against MSRTC driver.
4. The Tribunal after assessment of evidence, concluded that accident occurred due to sole negligence on the part of the driver. Consequently, allowed the claim and passed an award for Rs.7,44,000/- alongwith interest @ 8% per annum in favour of claimants.

5. Considering grounds as taken in Appeal memo and the reasoning as adopted by Tribunal in impugned Award, it is apparent that deceased lost life due to accidental injury involving MSRTC bus. There cannot be dispute as to the entitlement of claimants to receive compensation. However, issue as to the quantum and negligence can be considered at the time of final hearing of the appeal. In that view of the matter, application deserves to be allowed. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicants are permitted to withdraw 60% of the compensation amount deposited with Registry of this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. The disbursement of the amount shall be in the proportion with the apportionment made under the award passed by the Tribunal.
- d. The rest of the amount be kept in a Fixed Deposit for the term that offers a higher rate of interest.

(S. G. CHAPALGAONKAR)
JUDGE